

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven M. RUBEN

Appl. No.: 10/662,429

Filed: September 16, 2003

For: **Apoptosis Inducing Molecule I**

Confirmation No.: 2663

Art Unit: 1644

Examiner: HUYNH, PHUONG N.

Atty. Docket: 1488.1890003/EJH/SAC

**Declaration of Eric Closs  
Ruben Exhibit #138**

10/16/03

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Paper No. \_\_\_\_\_

Filed on Behalf of Party Ruben

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Sally Gardner Lane)

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STEVEN M. RUBEN

Junior Party,  
(Application No. 08/816,981),

v.

STEVEN R. WILEY  
and RAYMOND G. GOODWIN

Senior Party,  
(Patent No. 5,763,223).

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Patent Interference No. 105,077

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DECLARATION OF ERIC CLOSS

NYJD 1535102

Ruben EXHIBIT 2138  
Ruben v. Wiley et al.  
Interference No. 105,077  
RX 2138



Interference No. 105,077

Ruben v. Wiley *et al.*

4 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-captioned application or any patent issuing thereon.

Date

7/15/2004  
Eric Closs